

### Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in the application:

#### Listing of Claims:

1-20 (cancelled)

21. (currently amended): A transgenic plant cell transformed with a nucleic acid, wherein the nucleic acid comprises a polynucleotide selected from the group consisting of:

- a) a polynucleotide as defined having a sequence as set forth in SEQ ID NO:5; and
- b) a polynucleotide encoding a polypeptide of ~~SEQ ID NO:8~~; having a sequence as set forth in SEQ ID NO:8.
- e) ~~a polynucleotide having at least 95% sequence identity to SEQ ID NO:5; and~~
- d) ~~a polynucleotide encoding a polypeptide having at least 95% sequence identity to SEQ ID NO:8;~~

22. (currently amended): The plant cell of claim 21, wherein the nucleic acid comprises a polynucleotide having at least 95% sequence identity to the sequence as set forth in SEQ ID NO:5.

23. (currently amended): The plant cell of claim 21, wherein the nucleic acid comprises a polynucleotide encoding a the polypeptide having at least 95% sequence identity to the sequence as set forth in SEQ ID NO:8.

24. (currently amended): A transgenic plant ~~comprising the plant cell of claim 21.~~ transformed with a nucleic acid, wherein the nucleic acid comprises a polynucleotide selected from the group consisting of:

- a) a polynucleotide having a sequence as set forth in SEQ ID NO:5; and
- b) a polynucleotide encoding a polypeptide having a sequence as set forth in SEQ ID NO:8.

25. (previously presented): The plant of claim 24, wherein the plant is a monocot.

26. (previously presented): The plant of claim 24, wherein the plant is a dicot.

27. (previously presented): The plant of claim 24, wherein the plant is selected from the group consisting of maize, wheat, rye, oat, triticale, rice, barley, soybean, peanut, cotton, rapeseed, canola, manihot, pepper, sunflower, tagetes, solanaceous plants, potato, tobacco, eggplant, tomato, Vicia species, pea, alfalfa, coffee, cacao, tea, Salix species, oil palm, coconut, perennial grass and a forage crop plant.

28. (currently amended): A seed comprising the ~~transgenic plant of claim 24, wherein the seed comprises the nucleic acid: a transgene, wherein the transgene comprises a polynucleotide selected from the group consisting of:~~

- a) a polynucleotide having a sequence as set forth in SEQ ID NO:5; and
- b) a polynucleotide encoding a polypeptide having a sequence as set forth in SEQ ID NO:8.

29-36. (canceled)

37. (currently amended): An isolated nucleic acid, wherein the nucleic acid comprises a polynucleotide selected from the group consisting of:

- a) a polynucleotide ~~as defined~~ having a sequence as set forth in SEQ ID NO:5; and
- b) a polynucleotide encoding a polypeptide of ~~SEQ ID NO:8; having a sequence as set forth in SEQ ID NO:8.~~
- c) ~~a polynucleotide having at least 95% sequence identity to SEQ ID NO:5; and~~
- d) ~~a polynucleotide encoding a polypeptide having at least 95% sequence identity to SEQ ID NO:8.~~

38. (currently amended): The nucleic acid of claim 37, wherein the nucleic acid comprises a the polynucleotide having at least 95% sequence identity to the sequence as set forth in SEQ ID NO:5.

39. (currently amended): The nucleic acid of claim 37, wherein the nucleic acid comprises a polynucleotide encoding a the polypeptide having at least 95% sequence identity to the sequence as set forth in SEQ ID NO:8.

40-42. (canceled)

43. (currently amended): A method of producing a transgenic plant comprising a nucleic acid encoding a polypeptide, wherein expression of the polypeptide in the plant results in the plant's increased tolerance to drought stress as compared to a wild type variety of the plant, the method comprising the steps of,

- a) transforming a plant cell with an expression vector comprising the nucleic acid; and
- b) generating from the plant cell a transgenic plant that expresses the polypeptide,

and wherein the nucleic acid comprises a polynucleotide selected from the group consisting of:

- a) a polynucleotide ~~as defined~~ having a sequence as set forth in SEQ ID NO:5; and
- b) a polynucleotide encoding a polypeptide ~~of SEQ ID NO:8; having a sequence as set forth in SEQ ID NO:8.~~
- e) ~~a polynucleotide having at least 90% sequence identity to SEQ ID NO:5;~~
- d) ~~a polynucleotide encoding a polypeptide having at least 90% sequence identity to SEQ ID NO:8; and~~
- e) ~~a polynucleotide hybridizing under stringent conditions to a polynucleotide of a) through d) above, wherein the stringent conditions comprise hybridization in a 6X sodium chloride/sodium citrate (SSC) solution at 65°C and at least one wash in a 0.2X SSC, 0.1% SDS solution at 50°C.~~

44. (currently amended): The method of claim 43, wherein the nucleic acid comprises a the polynucleotide of having the sequence as set forth in SEQ ID NO:5.

45. (currently amended): The method of claim 43, wherein the nucleic acid comprises a polynucleotide encoding a the polypeptide of having the sequence as set forth in SEQ ID NO.8.

46-47. (canceled)

48. (new): The plant of claim 27, wherein the plant is corn.

49 (new): The plant of claim 27, wherein the plant is soybean.

50. (new): The plant of claim 27, wherein the plant is rapeseed or canola.

51. (new): The plant of claim 27, wherein the plant is cotton.